

Zoning Text Amendment No.: 19-02
Concerning: Clinics - Limited Use
Draft No. & Date: 1-12/19/2018
Introduced: January 15, 2019
Public Hearing:
Adopted:
Effective:
Ordinance No.:

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF
THE MARYLAND-WASHINGTON REGIONAL DISTRICT WITHIN
MONTGOMERY COUNTY, MARYLAND**

Lead Sponsor: Council President Navarro
Co-sponsor: Councilmember Rice

AN AMENDMENT to the Montgomery County Zoning Ordinance to:

- allow medical and dental clinics as a limited use in Residential Zones
- establish standards for medical and dental clinics as a limited use in Residential zones, and
- generally amend the provisions concerning medical and dental clinics

By amending the following sections of the Montgomery County Zoning Ordinance, Chapter 59 of the Montgomery County Code:

Division 3.1. "Use Table"

Section 3.1.6. "Use Table"

Division 3.5. "Commercial Uses"

Section 3.5.7. "Medical and Dental"

EXPLANATION: ***Boldface** indicates a Heading or a defined term.*

Underlining indicates text that is added to existing law by the original text amendment.

[Single boldface brackets] indicate text that is deleted from existing law by original text amendment.

Double underlining indicates text that is added to the text amendment by amendment.

[[Double boldface brackets]] indicate text that is deleted from the text amendment by amendment.

** * * indicates existing law unaffected by the text amendment.*

ORDINANCE

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following ordinance:

Sec. 1. DIVISION 59-3.1 is amended as follows:

Division 3.1. Use Table

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Section 3.1.6. Use Table

The following Use Table identifies uses allowed in each zone. Uses may be modified in Overlay zones under Division 4.9.

USE OR USE GROUP	Definitions and Standards	Ag	Rural Residential			Residential													* * *		
						Residential Detached							Residential Townhouse			Residential Multi-Unit					
		AR	R	RC	RNC	RE-2	RE-2C	RE-1	R-200	R-90	R-60	R-40	TLD	TMD	THD	R-30	R-20	R-10			
* * *																			* * *		
MEDICAL AND DENTAL	3.5.7																				
Clinic (Up to 4 Medical Practitioners)	3.5.7.A					<u>L</u>	<u>L</u>	<u>L</u>	C	C	C		<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	* * *		
Clinic (More than 4 Medical Practitioners)	3.5.7.B					<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	* * *		
Medical, Dental Laboratory	3.5.7.C																		* * *		
* * *																			* * *		

Key: P = Permitted Use L = Limited Use C = Conditional Use Blank Cell = Use Not Allowed

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Sec. 2. DIVISION 59-3.5 is amended as follows:

Division 3.5. Commercial Uses

* * *

Section 3.5.7. Medical and Dental

A. Clinic (Up to 4 Medical Practitioners)

1. Defined

Clinic (Up to 4 Medical Practitioners) means a building occupied by up to 4 medical practitioners and related services to provide healthcare on an outpatient basis.

2. Use Standards

a. Where a Clinic (Up to 4 Medical Practitioners) is allowed as a limited use, it must be an accessory use to one of the following principal uses:

- i. Residential Care Facility (Over 16 Persons);
- ii. Charitable, Philanthropic Institution;
- iii. Day Care Center (Over 30 Persons);
- iv. Educational Institution (Private); or
- v. Religious Assembly.

b. Where a Clinic (Up to 4 Medical Practitioners) is allowed as a conditional use, it may be permitted by the Hearing Examiner under Section 7.3.1, Conditional Use, and the following standards:

[a]i. The minimum lot width at the front lot line is 100 feet.

[b]ii. The minimum setback from a lot that is vacant or residentially improved is 40 feet. The minimum setback from all other abutting lots is 20 feet.

[c]iii. The site must front on and have direct access to a business district street or higher classification; however, access to a corner lot may be from an abutting street built to primary residential standards, if the Hearing Examiner finds the access to be appropriate and not detrimental to existing residential uses on the primary residential street.

[d]iv. Office space suitable for the practice of the profession must be unavailable in either the nearest Commercial/Residential or Employment zone or the nearest medical clinic office building constructed.

[e]v. A maximum of 4 additional medical practitioners may be present at any one time, and only if the presence of the additional practitioners will not generate additional patient-related traffic. The additional practitioners are only allowed to assist a practitioner in a specific surgical or diagnostic procedure or perform administrative work related to the treatment of patients on-site the same day. A written record must be kept for inspection by County enforcement staff identifying the physicians on-site and their schedules of seeing patients and performing administrative work.

B. Clinic (More than 4 Medical Practitioners)

1. Defined

Clinic (More than 4 Medical Practitioners) means a building occupied by more than 4 medical practitioners and related services to provide healthcare on an outpatient basis. Clinic (More than 4 Medical Practitioners) does not include emergency medical care accessory to a Hospital.

2. Use Standards

a. Where a Clinic (More than 4 Medical Practitioners) is allowed as a limited use, [and] the following conditions must be satisfied:

- i. If the use is located in a CRN zone and the subject lot abuts or confronts a property zoned Agricultural, Rural Residential, or Residential Detached that is vacant or improved with an agricultural or residential use, site plan approval is required under Section 7.3.4.
- ii. If the use is not located in the CRN zone, it must occupy 5 percent or less of the floor area of the principal use and must be an accessory use to one of the following principal uses:
- (a) Residential Care Facility (Over 16 Persons);
 - (b) Charitable, Philanthropic Institution;
 - (c) Day Care Center (Over 30 Persons);
 - (d) Educational Institution (Private); or
 - (e) Religious Assembly.

- b. Where a Clinic (More than 4 Medical Practitioners) is allowed as a conditional use, it may be permitted by the Hearing Examiner under Section 7.3.1, Conditional Use.

* * *

Sec. 3. Effective date. This ordinance becomes effective 20 days after the date of Council adoption.

This is a correct copy of Council action.

Megan Davey Limarzi, Esq.
Clerk of the Council